

REMARKS

In response to an Office Action mailed August 8, 2002 in the above-identified application, Applicants respectfully request consideration. To further the prosecution of this application, each of the rejections made in the Office Action is addressed herein.

Claims 1-103 are pending in this application, of which claims 1 and 69 are the only independent claims. Claims 1, 2, 7, and 8 have been amended herein primarily to address minor informalities noted during the preparation of this response and to generally improve the readability of the claims, and not for any substantial reasons related to patentability. Claims 9-103 have been added to further define Applicants' contribution to the art. The application as now presented is believed to be in condition for allowance.

A. Rejections under 35 U.S.C. §102

Claims 1-8 were rejected under 35 U.S.C. §102(b) as being unpatentable over Mueller et al. (U.S. Patent No. 6,016,038; hereafter, the '038 patent). Applicants respectfully point out that although the Examiner's Form PTO-892 (Notice of References Cited) correctly identifies this reference by inventorship and patent number, the Office Action on page 2 inadvertently refers to the Mueller reference as Patent No. 6,218,773, which does not correspond to any reference listed on the Form PTO-892 nor any of Applicants' Forms PTO-1449.

In any case, a previous Amendment filed October 8, 2002 in the present application, which Amendment accompanied a Petition under 37 C.F.R. §1.78(a)(3) for acceptance of an unintentionally delayed claim for priority under 35 U.S.C. §120, added a number of references to the priority claim, including Serial No. 08/920,156 which matured into the '038 patent to Mueller et al. In particular, the '038 patent shares at least one common inventor with the present application (i.e., George Mueller and Ihor Lys); additionally, at least one of the references listed in the original priority claim of the present application similarly is entitled to the benefit of the '038 patent.

In view of the foregoing, Applicants respectfully request the withdrawal of the rejection of claims 1-8 under 35 U.S.C. §102(b) as being unpatentable over the '038 patent to Mueller et al., as these claims are fully supported by, and claim priority to, this reference.

B. New Claims

Claims 9-103 have been added to further define Applicants' contribution to the art. All of the added claims are respectfully believed to be readable upon the species currently under consideration, pursuant to MPEP 809.02(a).

In particular, claims 9-68 depend from independent claim 1, and are fully supported by the specification as filed (no new matter is added). Accordingly, these claims are believed to be allowable based at least on their dependency. For the Examiner's convenience, following is a table which lists citations to the specification that provide support for the recitations in new dependent claims 9-68.

It should be appreciated that the citations given below are not necessarily the only locations in the specification which provide support for the new dependent claims. Furthermore, the claims are not necessarily limited to the embodiments described in the citations, as the citations are provided merely to assist the Examiner in reviewing the claims and are not in any way intended to limit the scope of the claims.

| Claim | Citation in specification for support |
|--------------|--|
| 9 | pg. 15, lines 11-19; pg. 21, lines 17-18 |
| 10 | Figs. 5-9 |
| 11 | pg. 21, line 23 – pg. 22, line 4 |
| 12 | Fig. 11; pg. 20, line 10 <i>et seq.</i> |
| 13 | Fig. 31; pg. 38 <i>et seq.</i> |
| 14 | pg. 21, lines 18-20 |
| 15 | pg. 39, lines 15-16 |
| 16 | pg. 26, lines 1-10 |
| 17 | Figs. 3-4; pg. 14, line 4 <i>et seq.</i> |
| 18 | Figs. 26-30; pg. 35, line 18 <i>et seq.</i> |
| 19 | “ |
| 20 | pg. 31, lines 6-14 |
| 21 | pg. 29, line 7 – pg. 30, line 14 |
| 22 | “ |

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| 23 | pg. 29, lines 15-18 |
| 24 | Figs. 22-24; pg. 31, line 15 – pg. 35, line 15 |
| 25 | “ |
| 26 | “ |
| 27 | pg. 33, lines 11-13 |
| 28 | Figs. 18-21; also support in various priority applications incorporated by reference. |
| 29 | pg. 20, lines 16-19 |
| 30 | pg. 25, lines 10-22 |
| 31 | pg. 13, line 19 – pg. 14, line 3; pg. 20, lines 19-20 |
| 32 | “ |
| 33 | pg. 14, lines 13-15 |
| 34 | pg. 36, lines 6-13 |
| 35 | Figs. 3-5; pg. 14, line 4 – pg. 15, line 16 |
| 36 | “ |
| 37 | Figs. 3, 4, 7-13, 15; pg. 17, line 10 |
| 38 | Figs. 3-5; pg. 14, line 4 – pg. 15, line 16 |
| 39 | Fig. 5, pg. 15, line 22 – pg. 16, line 2 |
| 40 | pg. 23, line 3 <i>et seq.</i> |
| 41 | pg. 23, lines 19-20 |
| 42 | Figs. 18-21; pg. 23, line 22; pg. 28, line 3 – pg. 29, line 6 |
| 43 | pg. 15, lines 20-22; pg. 18, lines 8-16 |
| 44 | Fig. 5; pg. 15, lines 17-19 |
| 45 | “ |
| 46 | pg. 19, lines 7-17 |
| 47 | pg. 18, lines 13-14 |
| 48 | pg. 18, line 17 – pg. 19, line 6 |
| 49 | “ |
| 50 | “ |
| 51 | pg. 9, lines 12-15 |

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| 52 | Figs. 2A-2B; pg. 10, line 6 – pg. 13, line 11 |
| 53 | “ |
| 54 | “ |
| 55 | “ |
| 56 | “ |
| 57 | pg. 13, lines 14-16 |
| 58 | Figs. 3-5; pg. 14, line 4 – pg. 15, line 16 |
| 59 | Fig. 7; pg. 17, lines 9-11 |
| 60 | Fig. 6; pg. 16, lines 14-22 |
| 61 | “ |
| 62 | pg. 7, lines 17-19; pg. 8, lines 16-18 |
| 63 | Fig. 15; pg. 24, line 18 <i>et seq.</i> |
| 64 | “ |
| 65 | “ |
| 66 | pg. 18, line 17 – pg. 19, line 6 |
| 67 | pg. 37, line 19 – pg. 38, line 4 |
| 68 | “ |

New independent claim 69 is a method claim that closely tracks the language of independent apparatus claim 1; hence, claim 69 is believed to be readable upon the species currently under consideration and allowable for at least the same reasons as claim 1.

New method claims 70 - 103 depend from claim 69, and cover concepts that form a subset of the concepts covered in dependent apparatus claims 9-68; hence, these new claims similarly are fully supported by the specification as filed, and are believed to be allowable based at least on their dependency.

C. Conclusion


In view of the foregoing amendments and remarks, this application should be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested

to call the Applicants' attorney at the number listed below to discuss any outstanding issues related to the allowability of the application.

If there is a fee occasioned by this filing, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to deposit account No. 23/2825.

Respectfully submitted
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Version With Markings to Show Changes Made

IN THE CLAIMS

Claims 1, 2, 7, and 8 have been amended as follows:

1. (Amended) A device comprising:
a plurality of LEDs [that] configured to produce light that includes at least two different spectra;
a material configured to receive the light emitted from the plurality of LEDs, and to display a color that is a combination of the at least two different spectra [of the plurality of LEDs];
a processor[, the processor generating a control signal, the] configured to generate at least one control signal [changing over time to produce from the consumer product a color-changing effect; and a controller that receives the control signal, the controller controlling] to control power delivered to one or more of the plurality of LEDs [in response to the control signal], the processor further configured to change the at least one control signal over time so as to produce from the device at least one dynamic lighting effect; and
a user interface adapted to receive a user input to control operation of the processor.
2. (Amended) The device of claim 1 wherein the processor [operates] is configured to operate in one of a plurality of modes, each mode producing [a] at least one dynamic lighting effect according to one or more parameters.
7. (Amended) The device of claim 1 wherein the at least one dynamic lighting effect comprises at least one color-changing effect [includes] including at least one of a color wash, a strobe, a fade, or a Holiday lighting effect.
8. (Amended) The device of claim 1 wherein the device [comprises] is configured as a consumer product.